

**Florida's Request To Assume Administration of a Clean Water Act Section 404 Program  
(85 FR 57853, September 16, 2020) EPA-HQ-OW-2018-0640**

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**Code 17 General Support**

This section summarizes general support comments. Summaries on specific issues regarding the Florida Assumption are addressed in other sections of this document.

Approximately 25 commenters generally supported the Florida Assumption. This group of commenters includes industry trade groups, private citizens and companies, an elected member of the Florida Senate, Florida members of the U.S. House and Senate, and Florida state and local agencies.

The industry trade groups that supported the Florida Assumption include:

- Association of Florida Community Developers
- Florida Association of Mitigation Bankers (FAMB)
- Florida Chamber of Commerce
- Florida Electric Power Coordinating Group, Inc.
- Florida Home Builders Association (and local chapters)
- Manufacturers Association of Florida (MAF)
- National Association of Home Builders (NAHB)
- The Fertilizer Institute (TFI)

Each trade group represented its constituents. For example, the Florida Home Builders Association commented on behalf of more than 8,000 statewide members. In addition, more than a dozen local home builder associations and member companies separately submitted the same comments in a form letter.

State agencies that supported the Florida Assumption include:

- Florida Department of Agriculture and Consumer Services (FDACS)
- Florida Department of Environmental Protection (FDEP)
- Florida Fish and Wildlife Conservation Commission (FWC)

**The Florida Assumption of Section 404 permitting will fulfill the Clean Water Act's intent for state management of their water resources**

About a dozen commenters supported the Florida Assumption as an important step in fulfilling the intent of Congress in the Clean Water Act's cooperative federalism structure where states manage their own water resources while achieving the goal of improved water quality. (Note for more information on "Cooperative Federalism" see EPA's website at [ [HYPERLINK "https://www.epa.gov/home/cooperative-federalism-epa"](https://www.epa.gov/home/cooperative-federalism-epa) ] ).

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In addition, several commenters anticipated that the Florida Assumption would show the way for other states to assume the Section 404 program in a way that matches the state's specific needs. Several commenters cited the old axiom that the government closest to the people best serves the people, and in this line one commenter noted that the FDEP is much more accessible to citizens with questions and concerns than federal agencies.

#### **Florida will manage the Section 404 program efficiently while protecting the environment**

Commenters touted the ability of FDEP and other state and local agencies to manage the Section 404 program efficiently and in a manner that protects the environment. These commenters asserted that Florida has developed a comprehensive permitting program that carefully and completely protects Florida's natural resources. The commenters stressed that the state's assumption of the Section 404 permit program will not undermine existing environmental protection and likely will improve protections. Commenters pointed out the professionalism and expertise of Florida staff and their concern for the environment in which they live and are the first line of defense for Florida's environment.

#### **State takeover of the Section 404 permit program will reduce costly permitting delays**

Comments from Florida home builder associations supported the Florida Assumption, stating that high staff turnover, increased workloads, cumbersome processes, and legal challenges have led to unnecessary delays under the current approach with the federal government issuing Section 404 permits. These commenters assert that the delays add to the cost of housing in Florida. The commenters also noted that this does not occur with FDEP permits.